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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986

Addendum

In paragraph 7 of his report to the Commission on Human Rights at its forty-ninth session (E/CN.4/1993/62), the Special Rapporteur stated that all replies to the communications he had addressed to Governments which were received by 15 December 1992 were included in the report. The Government of China had sent a reply on 8 December 1992; however, due to the need for translation, the reply reached the Special Rapporteur only after the report had been finalized. Since it was nevertheless received within the above-mentioned deadline, the Special Rapporteur wishes to reproduce it as an addendum to his main report.

The reply of the Government of China is as follows:

A. Basic policy of the Chinese Government on religious matters

Upholding and protecting freedom of religious belief is the basic policy of the Chinese Government on religious matters. The Constitution of the People's Republic of China, in article 36, states: "Citizens of the People's Republic of China enjoy freedom of religious belief. No State organ, public

organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion". Furthermore, the laws of the national autonomous areas, the Penal Code, the Civil Code, the Electoral Code, the Military Service Law, the Compulsory Education Act and other such legislation also lay down clear and specific provisions upholding freedom of religious belief and equality of rights for believers. These legal provisions show that religious belief in China is entirely a matter of free individual choice, and each citizen's private affair. The State respects and protects every citizen's right to freedom of religious belief and normal religious activities. State employees who unlawfully impinge upon citizens' freedom of religious belief are liable to be held legally accountable under article 147 of the Penal Code.

B. The allegation that the Chinese Religious Affairs Bureau, the Tibetan Buddhist Association and the democratic management committees at monasteries and nunneries dominate religious observance in Tibet

Like a great many countries, China has religious affairs bureaux at each level of Government. Their main functions are to ensure the consistent application of national law, regulations and the Government's religious policy, to protect the right of each religious community to pursue religious activities in accordance with its own special characteristics, to coordinate links between religious and non-religious organizations and citizens, and to back the development of friendly relations between international and national religious circles based on the principles of independence, autonomy and self-management. Thus they protect normal religious activities, but they do not dominate religious observance. The Tibetan Buddhist Association and the monastery democratic management committees mentioned in your communication are religious bodies democratically elected by the monks and nuns of Tibet and operate under the protection of the Chinese Constitution and law, independently and autonomously pursuing religious activities, managing religious affairs within the autonomous region or monastery, as appropriate, and training junior clergy. If even religious bodies of this kind are regarded as "dominating" religious activities, surely the religious bodies in every country ought to be abolished?

C. The status of religious activity in Tibet

The overwhelming majority of Tibetans are Tibetan Buddhists. Today, under the protection of the Chinese Constitution and laws, Tibetans are at complete liberty to engage in normal religious activities. Almost all religious families have a small scripture room or niche with a statue of the Buddha. Every year a million pilgrims make their way to Lhasa to pay respects to the Buddha. Throughout Tibet one can see believers flying prayer streamers and piling up cairns. Crowds of believers, prostrating themselves, spinning prayer wheels and worshipping the Buddha throng in and around the famous temples at Dazhao and elsewhere. At present there are over 1,400 religious sites in Tibet, to satisfy the religious masses' need for religious activities. In recent decades religious groups in Tibet have also organized religious activities of every kind, setting up a Tibetan Buddhist academy and

a publishing house for scriptures in Lhasa, running scripture classes in monasteries of each denomination, printing books in Tibetan, publishing a periodical entitled "Tibetan Buddhism", staging mass religious gatherings and special religious activities in Lhasa, and selecting the reincarnation of the Buddha following the departure from this world of the living Buddha, in accordance with Tibetan Buddhist precepts and historical tradition. To satisfy the demands of the religious masses, the Chinese central authorities have earmarked nearly 400 million yuan in special funds and have restored the Potala Palace in Lhasa, and Dazhao, Drepung, Sera, Gandan, Zhamchem (Rong) and other famous Tibetan monasteries, and have helped Tibetan religious circles to overcome many practical problems. Hence it is abundantly clear that traditional religious activities and practices in Tibet enjoy the full regard and protection of the Chinese central Government. The current status of religion in Tibet is not, as maintained in your communication, in any way "purely superficial", but very real, and the masses of Tibetan monks and laymen are well satisfied with their current religious life.

D. The arrest and conviction of some Tibetan monks and nuns

Protecting the unity of the State and ethnic harmony, and prohibiting conduct detrimental to ethnic harmony or conducive to ethnic division, are basic principles laid down by the Chinese Constitution, and are also basic duties that every Chinese citizen is required to honour. Since 1987, however, a small number of Tibetan separatist elements have repeatedly planned and instigated riots in Lhasa, the seat of Government in the Tibet Autonomous Region, not merely raising the banner of "Tibetan independence" but resorting without scruple to violence - beating, smashing, robbing and burning, even going so far as to use firearms against officers on duty and ordinary people. Their behaviour has nothing to do with "peaceful demonstration"; rather it tramples flagrantly on the Constitution and laws of the State. No sovereign State anywhere could condone riotous incidents of this kind, imperilling the integrity of the fatherland and disrupting ethnic harmony and normal social order. The steps taken by the Chinese Government to put down the riots and stabilize the situation have been entirely for the purpose of upholding respect for the Constitution and laws and guarding against violations of citizens' civil rights. During the recurrent rioting, a small number of monks and nuns taking part in separatist activities and breaking the law have indeed been detained, arrested and punished by the Tibetan law enforcement authorities, as the law requires, but this is unrelated to their religious beliefs. In China, religious believers and non-believers are politically and legally equal; the law, however, cannot be transcended on account of individuals' religious beliefs, nor can lawbreakers escape punishment. The central authorities have never restricted or interfered in Tibetan religious observance or the activities of the religious masses, and they have certainly not assigned troops or police to seal off or surround monasteries. The allegation in your letter that in September 1991 the authorities announced that the army and police could open fire on assemblies and demonstrations is pure invention. Furthermore, your letter also alludes to 10 lamas from Drepung monastery, among them Ngawang Buchung, who were "imprisoned for translating the Universal Declaration of Human Rights". The fact of the matter is that the 10 lamas concerned set up an illegal separatist organization, gathered secret information, slipped across the frontier,

printed and distributed propaganda in favour of "Tibetan independence" and were involved in the outbreaks of rioting in Lhasa in March 1989; they have thus been punished in accordance with the law.

E. Islam in Xinjiang

The Chinese Government has always attached importance to the right of religious freedom of the Muslim masses in Xinjiang. At present there are 17,124 mosques and over 4,000 other places of worship throughout the Autonomous Region. On average, there are more mosques per Muslim than in several Islamic States. In order to train Islamic clergy the Islamic Management Committee of the Autonomous Region, with government sponsorship, has opened the Xinjiang Koranic College, which now numbers over 500 students. The allegations in your letter that many mosques and Koranic schools have been closed down and that members of the clergy have been detained are idle fabrications. Here I wish to point out in particular the Xinjiang has since ancient times been a part of China. Your letter refers to Xinjiang as the in fact non-existent "East Turkestan", which is completely improper. I should like to impress upon you that, in exercising your functions of Special Rapporteur, you must abide strictly by the Charter principles of non-interference in internal affairs and non-infringement of the sovereignty of other States.

F. The circumstances of three members of the Catholic clergy

Fan Xueyan, aged 86, formerly the Catholic bishop of Baoding, was sentenced in 1983 to 10 years' imprisonment for activities endangering the security of the State in violation of the criminal law. In 1987 he was released on parole. In April 1992, having contracted pneumonia and several other illnesses, he was admitted to hospital but failed to respond to emergency treatment and died.

Shi Chunjie, Catholic, aged 71, being elderly and infirm and having no one to look after him, was on humanitarian grounds placed by the Government in care for the elderly in 1990. In November 1990 he fell ill, failed to respond to treatment and died.

Li Zhenrong, aged 73, a Catholic priest. He was taken into hospital with lung cancer in November 1991, failed to respond to treatment and died.

The allegation in your letter that the above three persons died as a result of ill-treatment is wholly unsubstantiated.

G. Some points concerning the letter of the Special Rapporteur

The matters raised in your letter were all covered repeatedly in clear and thorough replies from the Chinese Mission in 1990, and incorporated into the Special Rapporteur's report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/56). Two years later, however, these same, previously clarified, matters again appear in your letter with no mention whatsoever of the Mission's replies. This is very hard to understand.

Your letter refers to the circumstances of over 300 individuals, yet you ask the Chinese Mission to furnish a reply by 10 December - i.e. within 20 days. According to the communications procedure, a Government should reply to accusations made in a communication within a period of 90 days. Your limiting the Chinese Government to 20 days for providing a reply is not only unfair but also not in keeping with the rules. I hope this kind of thing will not recur. Nevertheless, the Chinese Government has been willing to cooperate a little further and, having made inquiries, has issued a response to the aforesaid matters.